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From: John J. Emanuele (jemanuele@uspatent.com)
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Attached:

Response to Office Action. 3 pages plus cover sheet.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re patent application of:) Before the Examiner
Richard L. Gregory) Iqbal Hossain Chowdhury
Application No.: 10/828,837) Group Art Unit
) 1652
Filed: April 21, 2004)
METHODS AND COMPOSITIONS FOR) October 3, 2005
PROMOTING ORAL HEALTH, AND)
POLYPEPTIDES USEFUL FOR SAME)

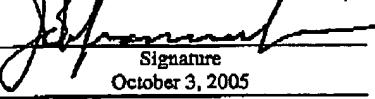
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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed September 2, 2005, please enter the following response. No extensions of time are believed to be necessary, but if any are deemed to be due, please charge the fees therefore to Deposit Account 23-3030.

I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on October 3, 2005
Date of Transmission John J. Emanuele
Name of Registered Representative

Signature October 3, 2005
Date of Signature

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In response to the Restriction Requirement, The Applicants hereby elect Group I (claims 1-7, 16 and 17) and the invention of group A, with traverse. The claims of group I are drawn to a method for controlling dental plaque in the oral cavity of a host by using polypeptide murein hydrolase and group A is drawn to SEQ ID No: 6 or a nucleic acid encoding SEQ ID No:6. This election is made with traverse for the reasons outlined below.

Claims 1-42 are pending in the Application. The Action restricted claims 1-42 into groups I through V and further into inventions A (SEQ ID No:6) and B (SEQ ID No: 8). The Action asserts that the claims of these groups are directed to "unrelated, independent and distinct inventions". The Applicants respectfully disagree, independent claim 1 of group I is a method claim that recites, "...administering to the oral cavity of the host an effective amount of a polypeptide having *S. mutans* hydrolase activity against one or more bacterial species ...". Dependent claim 8 of group II (claims 8-11 and 18-23) is a method claim that recites, "...delivering to the oral cavity an oral composition comprising the polypeptide having murein hydrolase activity...". Claims in groups I and II are method claims that recite the use of murein hydrolase and administering the same to the oral cavity. Independent claim 25 of group IV (claims 24-28 and 34-42) recites, "An oral composition an amino acid sequence corresponding to the amino acid sequence SE. ID No. 6 and an orally acceptable carrier". Independent claim 29 of group V (claims 29-33) recites, "... a protein including an amino acid sequence with a 70% identity to SEQ ID No. 6".

Independent claims of groups I, II, IV and V recite murein hydrolase or murein hydrolase activity or sequences encoding murein hyrdrolase. Since groups I, II, IV and

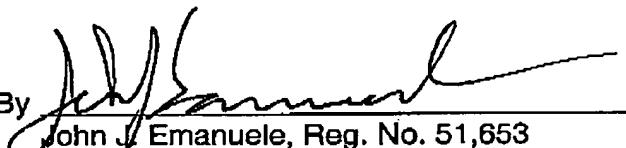
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V are drawn to murein hydrolase searching for art relate to the claims in groups I, II, IV and V imposes no additional burden on the Office above searching for art related to anyone of these groups of claims. Similarly, SEQ ID Nos. 6 and 8 inventions A and B respectively, both recite molecules that encode hydrolase activity. Therefore, searching for art related to both of these sequences does not imposes a significantly greater burden on the Office than searching for either sequence independently.

Accordingly, the Applicants request that the restriction requirement be modified such that the claims of groups I, II, IV and V and the sequences in groups A and B be searched and examined simultaneously. Action to this end is respectfully requested.

Favorable action and allowance of this application are requested. The Examiner is invited to contact the undersigned attorney by telephone if there are any questions about this submission.

Respectfully submitted,

By 
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